

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE,	:	
LODGE No. 4,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>U.L.P. No. 93-10-092 A</u>
	:	
CITY OF NEWARK,	:	
	:	
Respondent.	:	

DECISION ON REQUEST FOR REVIEW OF REMEDY PORTION OF
THE DECISION OF THE EXECUTIVE DIRECTOR

Having carefully reviewed the record, we have unanimously concluded that there is no basis on which to support the appeal filed by the City of Newark regarding the remedy portion of the PERB decision dated May 25, 1994.

It is our opinion that: 1) under §1608(b) (1) of the Police Officers' and Firefighters' Employment Relations Act, 19 Del.C. Chapter 16, the PERB has a clear-cut statutory right to determine unfair labor practice remedies including the payment of damages so long as these are "reasonable";

2) the City of Newark clearly engaged in unfair labor practices;

3) the Newark Fraternal Order of Police was forced because of the City's above-cited conduct to spend moneys unnecessarily in legal fees;

4) the 4% maximum assessment by the PERB is entirely reasonable given the circumstances; and

5) since no other remedial order is appropriate, the City could violate 19 Del.C. Chapter 16 with impunity in the absence of such PERB authority, and thereby make a travesty of the Act.

The remedy portion of the May 25, 1994 decision of the Executive Director is, accordingly, wholly affirmed.

IT IS SO ORDERED.

/s/ Arthur A. Sloane.
ARTHUR A. SLOANE, Chair

/s/ R. Robert Currie, Jr.
R. ROBERT CURRIE, JR., Member

/s/ Henry E. Kressman
HENRY E. KRESSMAN, Member

Dated: 22 June 1994